

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICK RUDDY  
30 Pilgrim Lane  
Drexel Hill, PA 19026,

Plaintiff,

vs.

NCO FINANCIAL SYSTEM, INC.  
507 Prudential Road  
Horsham, PA 19044,

Defendant.

CIVIL ACTION NO.

**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (“FDCPA”).
2. The FDCPA prohibits debt collectors from engaging in deceptive and unfair practices in the collection of a consumer debt.
3. Defendant is subject to strict liability for using collection tactics which violate the provisions of the FDCPA.

**II. JURISDICTION**

4. Jurisdiction arises under 15 U.S.C § 1692k and 28 U.S. C. §§ 1337.

**III. PARTIES**

5. Plaintiff Patrick Ruddy (“Plaintiff”) is a consumer who resides in Drexel Hill, Pennsylvania at the address captioned.

6. Defendant NCO Financial System, Inc. (“Defendant” or “NCO”) is a collection agency with a mailing address as captioned.

7. Defendant regularly engages in the collection of consumer debts using the mails and telephone.

8. Defendant regularly attempts to collect consumer debts in this District.

9. Defendant is a “debt collector” as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

**IV. STATEMENT OF CLAIM**

10. NCO has engaged in harassing and abusive conduct in an attempt to collect a consumer debt alleged due Barclays Bank by Plaintiff.

11. In July 2010, NCO started calling Plaintiff’s place of employment and speaking with Plaintiff’s co-workers in an attempt to collect the debt alleged due.

12. NCO called and spoke with Plaintiff’s co-workers on several occasions.

13. Plaintiff’s co-workers informed him that NCO called looking for him and asking that they relay a message for Plaintiff to call NCO as soon as possible.

14. Plaintiff was embarrassed and upset by NCO’s attempts to collect the debt claimed due by calling and speaking to his co-workers.

15. NCO did not have Plaintiff’s consent to contact his co-workers and did not need to obtain Plaintiff’s location information.

16. A debt collector may only contact third parties with the prior consent of the consumer, 15 U.S.C. § 1692c(b), or to obtain location information as set forth under 15 U.S.C. § 1692b.

17. NCO already had Plaintiff's location information as evidenced by the collection letter NCO sent to Plaintiff at his home address and by the calls NCO made to his mobile telephone number.

18. NCO called Plaintiff's co-workers in order to harass, abuse, and intimidate Plaintiff, in violation of the FDCPA.

**COUNT I - FAIR DEBT COLLECTION PRACTICES ACT**

19. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

20. The acts by Defendant described above violate the Fair Debt Collection Practices Act, in the following ways:

- (a) by communicating with third parties, in violation of 15 U.S.C. § 1692c;
- (b) by engaging in conduct, the natural consequence of which was to harass, oppress and intimidate the Plaintiff, in an attempt to collect an alleged debt in violation of 15 U.S.C. § 1692d.

**WHEREFORE**, Plaintiff Patrick Ruddy demands judgment against Defendant NCO Financial System, Inc. for:

- (a) Damages;
- (b) Attorney's fees and costs;
- (c) Such other and further relief as the Court shall deem just and proper.

**V. DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted:

Date: 12/6/10

  
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